

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

\_\_\_\_\_  
ASTRAZENECA PHARMACEUTICALS LP, )  
ASTRAZENECA AB, and AMYLIN )  
PHARMACEUTICALS, LLC, )

Plaintiffs, )

v. )

TEVA PHARMACEUTICALS USA, INC., )

Defendant. )  
\_\_\_\_\_

Civil Action No. 14-1478-GMS

TEVA PHARMACEUTICALS USA, INC., )

Plaintiff, )

v. )

ASTRAZENECA PHARMACEUTICALS LP, )  
and AMYLIN PHARMACEUTICALS, LLC, )  
\_\_\_\_\_

Defendants. )

Civil Action No. 15-050-GMS

**STIPULATION AND [PROPOSED] ORDER  
CONSOLIDATING CASES FOR ALL PURPOSES**

AstraZeneca Pharmaceuticals LP, AstraZeneca AB and Amylin Pharmaceuticals, LLC (collectively, “AstraZeneca”) and Teva Pharmaceuticals USA, Inc. (“Teva”), by and through their respective undersigned counsel, have agreed to the following stipulation, subject to the approval of the Court:

WHEREAS, the above-captioned actions are related;

WHEREAS, on February 5, 2015, in Civil Action No. 14-1478-GMS, AstraZeneca and Teva filed a Joint Status Report setting forth, among other things, agreed-upon limitations on discovery (D.I. 13);

WHEREAS, on February 19, 2015, in Civil Action No. 14-1478-GMS, AstraZeneca and Teva filed a [Proposed] Scheduling Order (D.I. 18), which this Court so ordered on February 25, 2015;

WHEREAS, on April 1, 2015, in Civil Action No. 14-1478-GMS, AstraZeneca and Teva filed a Stipulated Protective Order (D.I. 28), which this Court so ordered on April 1, 2015;

WHEREAS, on April 1, 2015, in Civil Action No. 15-050-GMS, the Court entered an Order Re: Case Management in Civil Cases (D.I. 9); and

WHEREAS, the parties have met and conferred regarding the Court's April 1, 2015 Order in Civil Action No. 15-050-GMS and agree that consolidation of the above-captioned actions would promote judicial economy.

It is hereby STIPULATED and ORDERED that:

1. The Court-entered Stipulated Protective Order in Civil Action No. 14-1478-GMS (D.I. 28) is extended to protect confidential information in Civil Action No. 15-050-GMS.
2. The above-captioned actions shall be consolidated for all purposes.
3. The consolidated action shall be captioned:

---

ASTRAZENECA PHARMACEUTICALS LP,  
ASTRAZENECA AB, and AMYLIN  
PHARMACEUTICALS, LLC,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

---

Civil Action No. 14-1478-GMS  
(CONSOLIDATED)

4. Except as otherwise provided herein, the consolidated action shall be subject to the case schedule entered in Civil Action No. 14-1478-GMS (D.I. 18) and the limitations on discovery set forth in Paragraph 8 of the parties' Joint Status Report in Civil Action No. 14-1478-GMS (D.I. 13). Accordingly, a Request for Admission or Interrogatory served in, or a deposition held in, Civil Action No. 14-1478-GMS shall count toward Civil Action No. 15-050-GMS, and vice versa.

5. With respect to the exchange of contentions relating to the '761 and '269 Patents, the parties agree to the following schedule:

- a. June 8, 2015: (1) AstraZeneca shall serve infringement contentions for the '576, '700, '026, '744 and '423 patents, and (2) AstraZeneca shall disclose its asserted claims for the '761 and '269 patents.
- b. July 8, 2015: Teva shall serve its invalidity contentions for the '576, '700, '026, '744, '423, '761, and '269 patents, and non-infringement contentions for the '761 and '269 patents.
- c. August 7, 2015: AstraZeneca shall serve infringement contentions

for the '761 and '269 patents.

6. This Stipulation and Proposed Order, if entered by the Court, will satisfy the requirements of the Court's April 1, 2015 Order Re: Case Management in Civil Cases in Civil Action No. 15-050-GMS (D.I. 9), and no further submission in response to that Order shall be required.

7. Rule 26(a) Initial Disclosures: The parties shall amend or supplement their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a), to the extent deemed necessary by the addition of the '761 and '269 patents to the consolidated action, by April 30, 2015.

**SO AGREED AND STIPULATED:**

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

Michael P. Kelly (#2295)  
Daniel M. Silver (#4758)  
Benjamin A. Smyth (#5528)  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, Delaware 19801  
Tel: (617) 570-1000  
(302) 984-6300  
mkelly@mccarter.com  
dsilver@mccarter.com  
bsmyth@mccarter.com

*Attorneys for AstraZeneca  
Pharmaceuticals LP, AstraZeneca AB and  
Amylin Pharmaceuticals, LLC*

Dated: April 23, 2015

SHAW KELLER LLP

/s/ Karen E. Keller

John W. Shaw (No. 3362)  
Karen E. Keller (No. 4489)  
300 Delaware Ave., Suite 1120  
Wilmington, DE 19801  
(302) 298-0700  
jshaw@shawkeller.com  
kkeller@shawkeller.com

*Attorneys for Teva Pharmaceuticals USA, Inc.*

SO ORDERED this 24<sup>th</sup> day of April, 2015

  
UNITED STATES DISTRICT JUDGE